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OFFICE OF PETITIONS

Applicant: Krepski et al.
Appl. No.: 10/595,895
International Filing Date: November 24, 2004
Title: Hydroxylamine and Oxime Substituted Imidazoquinolines, Imidazopyridines, and Imidazonaphthyridines
Attorney Docket: SNDK.259US1
Pub. No.: US 2007/0099901 A1
Pub. Date: May 3, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 16, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the patent application publication be republished because the publication numerous errors.

37 CFR 1.221 (b) is applicable “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. This period is not extendable.” (Emphasis added) A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on November 16, 2007, was not timely filed under 37 CFR 1.221(b).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

§ 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

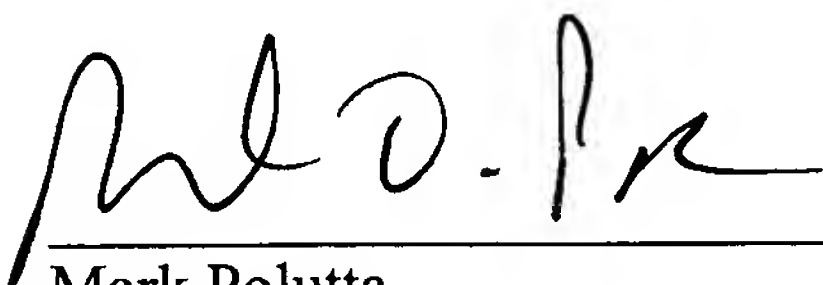
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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Inquiries relating to this matter may be directed to the undersigned at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', is written over a horizontal line.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
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for Patent Examination Policy